

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6725 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

PURSHOTTAMBHAI DHULABHAI

Versus

MAHADEVBHAI L DESAI

Appearance:

MR SV PARMAR for Petitioner
MR AJ PATEL for Respondent No. 1
MR RJ OZA for Respondent No. 3, 4

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 04/08/1999

ORAL JUDGEMENT

In this petition under Article 226 of the
Constitution petitioner had challenged the order of
transfer dated 17.09.1991 and the consequential order
dated 17.9.1999 (Annexure-B and Annexure-C respectively).

Initially while issuing notice on this petition, this Court passed an order of maintenance of status quo on 20.9.1991. However, on 30.9.1991 this Court declined to grant interim relief in view of the statement made in the reply affidavit that the charge was already taken over before the status quo order was passed by this Court. Since transfer is an incident of service and the petitioner was a Class-I officer in the cadre of District Social Welfare Officer, this Court is not inclined to interfere with the impugned order which was implemented long back. The petition is therefore dismissed as infructuous. Rule is discharged.

(mohd)